

FIFTEENTH DAY

(Monday, February 7, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, like prodigals seeking the father's home when all has been spent, we come praying that Thou wilt turn our affections from the beggarly elements of the world to the bread from heaven and the water of life. Teach us, 'That man shall not live by bread alone, but by every word of God.' We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 3, 1955, was dispensed with and the Journal was approved.

Leave of Absence

Senator Corbin was granted leave of absence on account of important business on motion of Senator Wagonseller.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 10, Relative to certain easements in the City of Houston.

H. C. R. No. 14, Granting permission to W. C. Frey to sue the State of Texas and the Game, Fish and Oyster Commission.

H. C. R. No. 17, Granting permission to F. C. Fry to sue the State of Texas.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following Senate bills were introduced, read first time and referred to the committees indicated:

By Senators Kelley and Shireman:

S. B. No. 159, A bill to be entitled "An Act changing the name of Willacy County Water Control and Improvement District Number One, a water control and improvement district having its territory within the Counties of Hidalgo and Willacy, in the State of Texas, created and validated by Acts 1929, 41st Leg., p. 353, Ch. 166 and being Senate Bill No. 367, to Hidalgo and Willacy Counties Water Control and Improvement District Number One; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Fly:

S. B. No. 160, A bill to be entitled "An Act creating 'Jackson County Water Control and Improvement District Number One,' a Conservation and Reclamation District as authorized by Section 59 of Article XVI of the Texas Constitution; constituting such district a political subdivision of the State and a body politic and corporate; prescribing the District's powers and providing that same shall include all powers and authority granted to water control and improvement districts under the general laws of the State pertaining thereto except as otherwise provided for in this Act; providing that confirmation election, hearing on exclusion of lands or hearing on the adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used

by the District; defining the boundaries of the District; providing for a Board of Directors to control and exercise the District's powers, their appointment, qualification, election, tenure and organization; providing for the levy, assessment and equalization of ad valorem taxes for the operation and maintenance of the District, the purchase and construction of its facilities and the payment of its obligations when authority therefor is given at an election held for the purpose; providing that the District may make and fix charges for the service of its Water and Sanitary Sewer Systems and facilities; authorizing the District to acquire and operate any and all property necessary to the exercise of its powers; authorizing the borrowing of money and the issuance of negotiable interest bearing bonds secured by net revenues, ad valorem taxes or by both revenues and taxes to accomplish the purposes for which the District is created; prescribing the methods to be employed in the authorization, issuance and sale of bonds; providing for the refunding of the District's obligations, providing for the submission of bond issues to the Attorney General for approval and the registration thereof by the Comptroller of Public Accounts and for the incontestability of bonds so approved and registered; authorizing the disbursement and investment of bond proceeds; exempting the District's bonds from taxation; declaring the District essential; providing that nothing in this Act shall be construed to violate any provision of the Federal or State Constitutions; providing that if any provision of this Act shall be held invalid, the validity of the other provisions shall not be affected; providing for a liberal construction of this Act; enacting provisions relating to the subject and purpose of this Act; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

By Senator Fly:

S. B. No. 161, A bill to be entitled "An Act amending Section 8 of Article XVII, Chapter 184 of the Acts, 47th Legislature, Regular Session, codified as Article 7065b-8, Vernon's Annotated Civil Statutes, and Subsection (g) of Section 14, Article XVII, Chapter 184 of the Acts, 47th Legislature, Regular Session, as amended by Subsection 5 (g) of Sec-

tion XXII, Chapter 402 of the Acts 51st Legislature, Regular Session, codified as Article 7065b-14(g), by adding to each section a paragraph providing that the lien shall not be valid as against any mortgagee of a motor vehicle provided such mortgagee is without notice and has complied with the provisions of the Certificate of Title Act prior to the filing by the Comptroller with the State Highway Department a certificate which shows that a tax lien exists upon such vehicle; providing a fee of twenty-five cents (\$.25) and no more shall be charged by the State Highway Department to pay for the expenses of administering this Act; providing a saving clause; providing that this Act shall take precedence over any other conflicting or inconsistent laws; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Fly:

S. B. No. 162, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties composing the same, and providing for the election of a member of the Congress of the United States from each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Congressional Districts.

By Senator Owen:

S. B. No. 163, A bill to be entitled "An Act relating to salaries of District Attorneys; authorizing the Commissioners' Courts of the counties comprising the 70th Judicial District to supplement the salary of the District Attorney of that district; authorizing the Commissioners' Court of Midland County to supplement the salary of the District Attorney of the Special Judicial District of Midland County; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Hardeman:

S. B. No. 164, A bill to be entitled "An Act amending Sections 2(a), 2(c), 4, and 5 of Acts, 53rd Legislature, R. S., chapter 209, page 561, and being Article 6701c-1 of Vernon's Civil Statutes; and declaring an emergency."

To the Committee on State Highways and Motor Traffic.

By Senator Hardeman:

S. B. No. 165, A bill to be entitled "An Act amending Section 16(d), Acts 1929, 41st Legislature, chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, chapter 277, page 480, section 17 (being Article 1690b, Vernon's Penal Code of Texas); and amending Acts 1929, 41st Legislature, chapter 314, page 698, as amended by Acts 1931, 42nd Legislature, chapter 277, page 480, section 17, by adding Section 16(j), making it unlawful to issue, show, or display, or to enter into a conspiracy or agreement to issue, display, or use a false, fictitious, or misleading bill of sale, bill of lading, or manifest on commodities being transported over the highways of this State; providing for each bill of lading and manifest to show the true name and address of consignor, consignee, origin, destination, and exact description of commodities, goods, wares, or properties transported, or being transported, for hire over the highways of this State; making such bill of lading, manifest, and bill of sale available for inspection upon request of any officer or agent named in Section (d) hereof; authorizing such officers or agents named in Section (d) hereof to impound the commodities being transported and hold same until properly released without any liability against such officer or agent, and providing a penalty therefor; and adding Section 16(k), authorizing any officer authorized under Section (d) of this Act, upon written authority of the Attorney General or any District Judge of the District Court properly having venue under the laws of this State, to inspect and examine books, records, and accounts of corporations, associations, partnerships, firms, or individuals, and make copies of such books, records, and accounts, and providing a penalty therefor; providing that if any part of this Act is declared unconstitutional, such decision shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

To the Committee on State Highways and Motor Traffic.

By Senator Ashley:

S. B. No. 166, A bill to be entitled "An Act for the amendment of Subsection (b) of Section 8, Chapter 282, Senate Bill No. 82, Acts of the Regular Session, 41st Legislature, as amended by Chapter 174, Senate Bill

No. 279, Acts of the Regular Session, 42nd Legislature, and by Chapter 148, Senate Bill No. 343 of the Acts of the Regular Session of the 45th Legislature, so that future oil and gas leases covering University lands shall provide (1) that they will be continued beyond their primary terms not only by production in paying quantities but also by other operations while conducted in good faith and a workmanlike manner, and (2) that, if at the expiration of the primary term there is located on the leased premises a well, or wells, capable of producing gas in paying quantities but such gas is not being produced for lack of a suitable market, and such lease is not otherwise being maintained, lessee may pay shut-in gas well royalty equal to double the annual rental provided for in such lease but not less than \$1,200 per annum per well capable of producing gas in paying quantities, and thereby extend the term of the lease for one year but that the lease may not be so extended in all more than three years, and that, if while a lease is being so maintained gas should be sold and delivered from a well situated within 1,000 feet of the lease premises and completed in the same reservoir or in any case where drainage is occurring, the right to extend the lease further by such shut-in payments shall cease but such lease shall continue effective for the remainder of the year for which a shut-in royalty had been theretofore paid and for an additional period, not to exceed three years from the expiration of the primary term of the lease, by payment of compensatory royalty at the royalty rate provided in the lease on the value at the well of the production from the well which is situated within 1,000 feet of the leased premises and is completed in the same producing reservoir or is draining the leased premises, such compensatory royalty to be paid monthly, by the 20th of the month next succeeding the month in which the gas was produced and delivered, to the Commissioner of the General Land Office and in the event such compensatory royalty paid in any twelve month period aggregates less than would have accrued under the shut-in royalty provision for such period if such provision had continued applicable the lessee shall pay the difference to said Commissioner of the General Land Office within thirty days from the end of such twelve month period; and so that existing oil and gas leases covering University lands

shall, on application of the owner thereof and the payment of one year's annual rental, be amended to conform to the provisions of this Act and to provide that they shall also be continued beyond their primary terms by operations so conducted or payments so made; declaring the provisions severable; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

To the Committee on Oil, Gas and Conservation.

Presentation of Guests

Senator Rogers of Travis by unanimous consent presented the students of the Brykerwoods School of Austin and their teacher, Mrs. Merle T. Ward, to the Members of the Senate.

Senate Resolution 44

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in Austin, from the 50th Judicial District, Judge James F. Lester, County Judge of Baylor County; Honorable Clyde Whiteside, a former member of the House of Representatives, at this time County Attorney of Baylor County; the Honorable Wesley Styles, Sheriff of Baylor County; Judge L. H. Parker, County Judge of Knox County; Honorable Tom Bullington, County Attorney of Knox County; Honorable Homer T. Melton, Sheriff of Knox County; and A. W. Davis, recently elected County Attorney of the 50th Judicial District, all of whom are visiting in the capital city in furtherance of better law enforcement by attending the mid-winter session of the Attorneys General Law Enforcement Conference; and

Whereas, We desire to welcome these distinguished guests and faithful public officials to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and that they be extended the official welcome of the Senate, and be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 45

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in Austin, the Honorable Jack Hightower of Vernon, Wilbarger County; and the Honorable Royce Adkins of Haskell County, who are respectively District Attorneys in their respective Judicial Districts; and

Whereas, We desire to welcome these distinguished and diligent public officials to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Presentation of Guests

Senator Moore, by unanimous consent, presented Mr. M. C. "Mac" Caudel of Houston, the Honorable John M. Bannon of Bryan and the Honorable Bryan Russ of Hearne to the Members of the Senate.

Senate Concurrent Resolution 15

Senator Hardeman offered the following resolution:

S. C. R. No. 15, Requesting the Congress of the United States to call a Convention for proposing an Article to the Constitution in lieu of Article V.

Resolved by the Senate of the State of Texas, the House of Representatives concurring:

That the Legislature of the State of Texas, pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention for proposing the following Article as an amendment to the Constitution of the United States in lieu of Article V:

"ARTICLE V

Section 1. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two thirds of the several States shall call a convention for proposing amendments; or the Legislature of any State, whenever two thirds of each house shall deem it necessary, may propose amendments to this Constitution by transmitting to the Secretary of State of the United States and to the Secretary of State of each of the several States a certified copy

of the resolution proposing the amendment, which shall be deemed submitted to the several States for ratification when certified copies of resolutions of the Legislatures of any twelve of the several States by two thirds of each house shall have been so transmitted concurring in the proposal of such amendment; which, in any case, shall be valid to all intents and purposes as part of this Constitution when ratified by the Legislatures of three fourths of the several States: Provided, that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Section 2. The act of proposal, concurrence in a proposal, or ratification of an amendment, shall not be revocable.

Section 3. A proposal of an amendment by a State shall be inoperative unless it shall have been so concurred in within seven years from the date of the proposal. A proposed amendment shall be inoperative unless it shall have been so ratified within fifteen years from the date of its submission, or shorter period as may be prescribed in the resolution proposing the amendment.

Section 4. Controversies respecting the validity of an amendment shall be justiciable and shall be determined by the exercise of the judicial power of the United States."

Resolved further, That such amendment shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of three fourths of the several states;

Resolved further, That as the power of the sovereign states to propose amendments to the Constitution of the United States by convention under Article V has never been exercised and no precedent exists for the calling or holding of such convention, the State of Texas hereby declares the following basic principles with respect thereto: that the power of the sovereign states to amend the Constitution of the United States under Article V is absolute; that the power of the sovereign states to propose amendments to the Constitution by convention under Article V is absolute; that the power of the sovereign states extends over such convention and the scope and control thereof and that it is within their sovereign power to prescribe whether such convention shall be general or

shall be limited to the proposal of a specified amendment or of amendments in a specified field; that the exercise by the sovereign states of their power to require the calling of such convention contemplates that the applications of the several states for such convention shall prescribe the scope thereof and the essential provisions for holding the same; that the scope of such convention and the provisions for holding the same are established in and by the applications therefor by the legislatures of the two thirds majority of the several states required by Article V to call the same, and that it is the duty of the Congress to call such convention in conformity therewith; that such convention is without power to transcend, and the delegates to such convention are without power to act except within, the limitations and provisions so prescribed;

Resolved further, That such convention shall be called and held in conformity with the following limitations and provisions, and that the Congress, in the call for such convention, hereby is requested to and shall prescribe:

(1) That such convention shall be held in the city of Philadelphia, in the state of Pennsylvania, on the first Monday of the first December following transmission to the Senate and the House of Representatives of the Congress of the United States of application for such convention by the legislatures of two thirds of the several states and, in honor of the nation's founders and for invocation, shall convene at Constitution Hall, at Independence Square, at the hour of 10:00 o'clock in the morning of such day, and thereupon adjourn to more commodious quarters within said city for session as the convention shall determine;

(2) That the several states shall have equal suffrage at such convention; that each of the several states shall be entitled to three delegates thereat and that each of such delegates shall be entitled to one vote; one of whom shall be selected by the Lieutenant Governor from among the membership of the Senate of Texas, one by the Speaker of the House of Representatives from the membership of the House of Representatives, and one to be chosen by the Governor of the State; that in case of a vacancy in the office of any delegate during such convention, not otherwise filled

pursuant to law or by legislative act or as herein provided, such vacancy shall be filled by the governor of such state from the Senate or House of its legislature or the state at large, respectively, as the case may be; that during such vacancy and during the absence of a delegate from the floor of the convention the delegates present from such state shall be empowered to exercise the vote of the absent delegate or delegates from such state; that the legislature of any state may choose its delegates to such convention, other than hereinabove designated, in which case the delegates so chosen shall be certified to the convention by the secretary of state of such state and shall constitute the delegates of such state at such convention in lieu of the delegates otherwise hereinabove designated.

(3) That such convention shall be limited and restricted specifically to the consideration and proposal of such amendment to Article V, the choosing of officers and adoption of rules of procedure for the conduct of such convention and the maintenance of order thereat, the determination of any issues respecting the seating of delegates, adjournment from day to day and to a day certain and from place to place within said city as may be convenient, and adjournment sine die; and such convention shall not be held for any other purpose nor have any other power, and the delegates thereto shall have no power other than within the limitations herein prescribed;

(4) That a permanent record shall be made of the proceedings of such convention, which shall be certified by the secretary of the convention, the original of which shall be placed in the Library of Congress and printed copies of which shall be transmitted to the Senate and the House of Representatives of the Congress, to the secretary of state of the United States, and to each house of the legislature and to the secretary of state of each of the several states;

(5) That the powers of such convention shall be exercisable by the states, represented at such convention by duly constituted delegates thereat, by majority vote of the states present and voting on such proposal, and not otherwise;

Resolved further, That this application shall constitute a continuing application for such convention under Article V of the Constitution of the

United States until the legislatures of two thirds of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself propose such amendment within the time and the manner herein provided;

Resolved further, That proposal of such amendment by the Congress and its submission for ratification to the legislatures of the several states in the form of the article hereinabove specifically set forth, at any time prior to sixty days after the legislatures of two thirds of the several states shall have made application for such convention, shall render such convention unnecessary and the same shall not be held; otherwise such convention shall be called and held in conformity with such applications;

Resolved further, That as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress; and

Resolved further, That copies of this resolution be transmitted forthwith to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Secretary of State of the United States and to the Secretary of State of each state.

The resolution was read.

Senator Hardeman asked unanimous consent to consider the resolution immediately.

There was objection.

(President Pro Tempore in Chair.)

Senator Hardeman then moved that the resolution be considered immediately.

The motion prevailed by the following vote:

Yeas—28

Aikin

Ashley

Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Nays—2

McDonald	Secrest
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Absent—Excused

Corbin

Question on adoption of the resolution, the resolution was adopted by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis

Nays—3

McDonald	Secrest
Roberts	

Absent—Excused

Corbin

Resolutions Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate, after the captions had been read, the following enrolled resolutions:

S. C. R. No. 5, Granting H. T. Bibb permission to sue the State of Texas.

S. C. R. 13, Inviting Seaborn Collins to address a Joint Session.

Report of Standing Committee

Senator Fly, by unanimous consent, submitted the following report:

Austin, Texas,
February 7, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman

Senate Bill No. 120 on First Reading

Senator Hazlewood moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 120 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—1

Hardeman

Absent—Excused

Corbin

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 120, A bill to be entitled "An Act validating certain proceedings of home rule cities amending their home rule charters, validating the election proceedings whereby officials of such city have taken office, validating certain acts of such governing board of such city; providing that the act shall not be applicable where litigation is pending at the time of the effective date of the act where litigation is ultimately determined against the validity of such amendment; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 120 on Third Reading

Senator Hazlewood moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis

Nays—1

Hardeman

Absent—Excused

Corbin

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
McDonald	Wagonseller
Moffett	Willis
Moore	

Nays—4

Aikin	Martin
Hardeman	Weinert

Absent—Excused

Corbin

Senate Bill No. 72 on Second Reading

Senator Lock moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 72 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act authorizing the Governor on behalf of the State of Texas, to execute the South Central Interstate Forest Fire Protection Compact: prescribing the text of said compact; etc., and declaring an emergency."

The bill was read second time.

Senator Lock offered the following amendment to the bill:

Amend S. B. 72, Article IX, Section 4, by striking out the words "President Pro Tempore" and inserting in lieu thereof the following: "Lieutenant Governor."

The amendment was adopted.

On motion of Senator Lock and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill No. 72 on Third Reading

Senator Lock moved that Senate Rule 32 and the constitutional rule

requiring bills to be read on three several days be suspended and that S. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

Presentation of Guests

Senator Aikin, by unanimous consent, presented Judge Mat Davis, of the Court of Civil Appeals of Texas, to the Members of the Senate.

(President in the Chair.)

Committee Substitute Senate Bill 28 on Second Reading

Senator Moore moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 28 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 28, A bill to be entitled "An Act making it unlawful to break into a coin-operated machine with intent to commit a felony or theft; defining an offense; prescribing a penalty; defining certain terms; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend C. S. S. B. 28 by changing the word "be" to "by" in the first line of Section 1.

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Committee Substitute Senate Bill 28 on Third Reading

Senator Moore moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

Senate Resolution 46

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Stanford White, Mrs. Bertha Covington and Mr. Ray Fenoglio, and students of Forestburg High School, Montague County, Forestburg, Texas; and

Whereas, We desire to welcome these distinguished visitors to the

Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented the guests and students to the Members of the Senate.

Senate Bill 58 on Second Reading

Senator Strauss moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 58 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert

Nays—3

Bracewell	Willis
Roberts	

Absent—Excused

Corbin

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 58, A bill to be entitled "An Act amending the Texas Liquor Control Act so as to provide that the inspection fee or charge provided in Section 21 of Article I of the Texas Liquor Control Act, on liquor (vinous, malt or spirituous) exported from this State shall not exceed the sum of Five (\$5.00) Dollars per shipment; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 58 on Third Reading

Senator Strauss moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert

Nays—3

Bracewell	Willis
Roberts	

Absent—Excused

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 47

Senator Wagonseller offered the following resolution for Senator Corbin:

Whereas, We are honored today to have as visitors in the Senate, the

Honorable Charles E. Lawrence, County Judge of Gaines County, Seminole, Texas; Mr. E. T. Cornett, Roy Ownby, B. D. Marchbanks and Bill Wescott, County Commissioners from Gaines County, Seminole, Texas; as well as the Honorable Stephen L. Hailey, County Attorney, Gaines County, Seminole, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented the distinguished guests to the Members of the Senate.

House Bill and Resolutions on First Reading

The following bill and resolutions received from the House were read the first time and were referred to the committees indicated:

H. C. R. No. 14, to Committee on Civil Jurisprudence.

H. B. No. 25, to the Committee on State Affairs.

H. C. R. No. 17, to the Committee on Civil Jurisprudence.

H. C. R. No. 10, to the Committee on State Affairs.

Adjournment

On motion of Senator Weinert the Senate at 12:06 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Most Reverend Joseph Patrick Lynch

Senator Parkhouse offered the following resolution:

(Senate Resolution 48)

Whereas, Almighty God, in His Infinite Wisdom, saw fit to close the esteemed career of the most Reverend Joseph Patrick Lynch in the 81st year of his life on the 19th day of August, 1954; and

Whereas, The people of Texas, and particularly the people of Dallas and Tarrant Counties, mourn the passing of this great religious civic leader, who happily spent his life in dedicated service to his God, his church, and to his fellow man; and

Whereas, Bishop Lynch was born in St. Joseph, Michigan on November 16, 1872, and when he was consecrated as Bishop of Dallas on July 11, 1911, was the youngest Catholic Bishop in the United States at that time; and for the last forty-three years of his life, he was presiding Bishop of the Dallas, Fort Worth Catholic Dioceses; and

Whereas, This great religious leader received many honors for his unselfish devotion to his church and to mankind, was in 1936, made Assistant to the Pontifical Throne and created a Noble with rank and title of Count by Pope Pius XI; and

Whereas, In 1892 he graduated from St. Charles College in Ellicott City, Maryland. He took his priestly training at St. Mary's Seminary in Baltimore, Maryland, and at Kendrick Seminary in St. Louis, Missouri. He was ordained on June 9, 1900, and was assigned as assistant pastor of the Sacred Heart Cathedral in Dallas. In 1905 he was appointed procurator fiscalis to the Dallas diocese and became vicar general of the diocese five years later, and was appointed Apostolic Administrator in 1910 and became a Bishop the next year; and

Whereas, Bishop Lynch began building in 1903. He built churches in Weatherford, Handley, and Dallas. In 1914 he established St. Joseph Hospital in Paris, Texas, and in the same year opened the Dunne Memorial Home for Boys in Dallas, and established St. Paul's Nurses' Home in 1922. In 1927 he built the Home of the Good Shepherd for Girls. He established the first mission for Mexicans in Dallas, and in 1925 opened St. Ann's, the first school for Mexicans. In 1929 he opened the first Catholic Church for Negroes in Fort Worth; and

Whereas, It is the desire of the Senate of the State of Texas to recognize and to pay tribute to the memory of this outstanding Texan for his untiring civic and church leadership, and to extend our sympathy to all who knew him, and to members of his Diocese; now, therefore, be it

Resolved by the Senate of the State of Texas, That the loss of this esteemed church leader is a loss to the entire State of Texas, and that a page in today's Journal be dedicated to his memory, and a copy be sent to the Catholic Diocese over which he presided; and be it further

Resolved, That when the Senate of the State of Texas adjourns today, it do so in respect to the memory of the Most Reverend Joseph Patrick Lynch.

PARKHOUSE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Colson, Corbin, Fly, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Owen, Phillips, Ratliff, Roberts, Rogers of Childress, Rogers of Travis, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Strauss the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.